

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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KEVIN CORTINA,

Plaintiff,

-v-

ANAVEX LIFE SCIENCES CORP, et al.,

Defendants.
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15-CV-10162 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On June 13, 2016, Defendants filed a motion to dismiss the Amended Complaint under Rule 12(b) of the Federal Rules of Civil Procedure. A briefing schedule for this motion is already in place (*see* Docket No. 58), but under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Lead Plaintiff shall file any amended complaint by **July 5, 2016**. Lead Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Lead Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying Lead Plaintiff, stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

It is further ORDERED that if no amended complaint is filed, Lead Plaintiff shall serve any opposition to the motion to dismiss by **July 13, 2016**, as provided for in the original briefing schedule. Defendants' reply, if any, shall be served by **July 27, 2016**. At the time any reply is served, the moving party shall supply the Court with one courtesy hard copy of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York.

SO ORDERED.

Dated: June 14, 2016
New York, New York



JESSE M. FURMAN
United States District Judge